



TOWN OF FREETOWN
MASSACHUSETTS
Office of the Town Clerk

3 North Main Street
P.O. Box 438
Assonet, MA 02702
Phone: 508-644-2201; Ext. 2
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www.freetownma.gov
townclerk@freetownma.gov

Cheryl C.A. Estrella
Town Clerk

July 30, 2021

Mr. James Frates, Chairman
Board of Appeals
Town of Freetown
3 North Main Street
Assonet, MA 02702

SUBJECT: CASE #592

Dear Chairman and Board of Appeals:

A petition for an appeal was submitted to the Town Clerk's Office today, by Mark Bullock for his property located at 0 Chipaway Lane (Map 252, Lot 085).

We are therefore submitting a copy of the petition to the Zoning Board of Appeals to schedule a hearing.

Sincerely,

Cheryl C.A. Estrella
Town Clerk

cc: Planning Board
Building Commissioner
Assistant Assessor
Town Administrator



TOWN OF FREETOWN

COMMONWEALTH OF MASSACHUSETTS

Cheryl A. Smith

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FREETOWN TOWN CLERK

2021 JUL 30 PM 2:18

July 27, 2021

— Submit two original copies (original signatures) to the Town Clerk's office —

To the Board of Appeals:

The undersigned hereby petitions the Board of Appeals as follows:

Name of Petitioner: Mark Bullock

Mailing Address: 63 Briarwood Drive, New Bedford, MA 02745

Property Owner: Mark Bullock

Mailing Address: 63 Briarwood Drive, New Bedford, MA 02745

Property Address: 0 Chipaway Lane, East Freetown, MA 02717

Zone: (R) B I I/2 VR VB OSR Reg. of Deeds Book: 10608 Page: 331

Assessors Map # 252-85 Lot # 0 Area of Lot: 33,541 SF

Frontage: 205 feet

Nature of Relief Sought:

 Special Permit under Article , Section of the Protective By-laws.

 Variance from Article , Section of the Protective By-laws.

X Appeal from a decision of the Building Inspector/Zoning Enforcement Officer, dated

July 7, 2021. (Please attach a copy.)

Provide a brief description of your proposal/request:

That the ZBA overturn and vacate the July 7, 2021, decision of the Enforcement Officer that Map 252, Lot 85 has merged with Map 252, Lot 91 due to common ownership. As reason therefore, said lots could not merge because at the time that the Appellant took title of the lots were both developed and contained structures and therefore constitute pre-existing non-conforming lots. Further, Lot 91 is mixed use, whereas Lot 85 is purely residential and not susceptible to merger. Finally, there has never been any intent of the owners that the Lots should merge. The Appellant has also detrimentally relied upon assurance of the Zoning Officer that the Lots did not merge.

If your request is for a variance, you must indicate what your hardship is. A hardship may be based on the soil conditions or topography of your property, the shape of your property, or the locations of existing structures, wells, or septic systems on your property. Simply wanting something that is not allowed under the by-laws does not constitute a hardship. Please describe your hardship(s) below:

If your request is for a special permit for an accessory apartment, you must provide the following information:

Square footage of existing home: _____

Square footage of proposed apartment: _____ (maximum 1,000 square feet)

I hereby request a hearing before the Zoning Board of Appeals with reference to the above petition or appeal. All of the information on this petition, to the best of my knowledge, is complete and accurate. I understand that I will be responsible for paying the cost of newspaper advertisements for my hearing, and for the cost of notifying the abutters to my property of the hearing by certified mail, return receipt, with notices provided to me by the Board. I also understand that I will be responsible for paying the costs of any engineering, architectural, legal or other consultants deemed necessary by the Zoning Board of Appeals to assist in its consideration of this application, pursuant to G.L. c.44, §53G and that failure to timely pay such costs shall constitute grounds for denial of this application.

Petitioner Signature:  Date: 7-29-21

Property Owner Signature:  Date: 7-29-21

Petitioner Telephone Number: 508-789-4582

Petitioner E-mail Address: marcwo1f9@aol.com

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All applications for variances should be accompanied by two copies of a site plan, and one additional copy that must be 11" x 17" in size, all prepared by an engineer. **Be sure you provide enough copies that BOTH the Town Clerk's office AND the Board of Appeals receive copies.** Your site plan should include the following:

- (a) Existing and proposed street lines and names.
- (b) Existing and/or proposed buildings, including accessory buildings.
- (c) Existing and/or proposed driveways.
- (d) General locations of wetlands and waterways, if any.
- (e) Locations of wells and septic systems.
- (f) Soil types and conditions and groundwater table, if applicable.
- (g) Setback distances from streets and abutters.
- (h) Footage for all lines of the property and total area (in acres or square feet).

All applications for special permits for accessory apartments should be accompanied by two copies of a plan for the apartment, at least one of which must be 11" x 17" in size. **Be sure you provide enough copies that BOTH the Town Clerk's office AND the Board of Appeals receive copies.** Your plan should include the following:

- (a) Layout of the apartment in relation to the existing house.
- (b) Dimensions of rooms, and dimensions and overall square footage of the apartment.
- (c) If the apartment will require an addition to the home, the setback distances from streets and abutters.



TOWN OF FREETOWN
OFFICE OF THE
BUILDING COMMISSIONER

3 North Main Street
P.O. Box 438 - Assonet, Massachusetts 02702
Tel. (508) 644-2202
Fax (508) 644-2183

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2021 JUL -7 PM 3:49

July 7, 2021

Mark Bullock
63 Briarwood Drive
New Bedford, Ma. 02745

Re: Building Application Denial for 0 Chipaway Lane

Dear Mark,

This office has received an application to construct a new single-family dwelling on Map 252 lot 085 at 0 Chipaway Lane. The application provided has the proposed dwelling on the property located on a lot that is in common ownership with 63 Chipaway Road. Requirement of the State Common Ownership Law and Town Zoning Bylaw Article 11.3.D.(b) and Town Of Freetown does not allow 2 dwellings on 1 property based on common ownership. Due to the information received I can not grant a building permit at the time.

To allow permits to be properly issued at the you must receive a variance from the Zoning Board of Appeals for the structure at that location. Applications are available at the Town Clerks office in the Town Hall during the normal Town Hall Hours and the completed documents must be returned to their office within the 30 days. If there are any questions, please feel free to contact this office.

Very Truly Yours,


Jeffrey Chandler

Building Commissioner, Zoning Enforcement Officer

Cc: Town Clerk, Zoning Board of Appeals, Office file.